

TESTIMONY ON RAISED BILL NO. 6727, AN ACT CONCERNING THE DESIGNATION
OF HEARING OFFICERS BY THE COMMISSIONER OF AGRICULTURE

In order to comment on Raised Bill No. 6727 I need to include comments on Raised Bill No. 6732, AN ACT CONCERNING THE APPEAL OF RESTRAINT AND DISPOSAL ORDERS ISSUED BY ANIMAL CONTROL OFFICERS for comparison's sake.

In Raised Bill No. 6732 the Commissioner wants less hearing power and wants to pass the responsibility to the Superior Court where the State can outspend the citizen. The Commissioner claims that dealing with pet owners is too emotional.

In Raised Bill No. 6727 the Commissioner wants an in-house closed loop that can hire lawyers to outflank a citizen leaving the citizen to resort to Superior Court through costly stays, injunctions, court dates. Does the Commissioner believe a citizen defending their livelihood will be any less committed or passionate than a citizen defending their pet?

All administrative hearings are important to those citizens involved. I would like to focus on this bill in connection with the Department of Agriculture, Bureau of Aquaculture lease that was forced upon the shellfish industry last June.

During the 2013 and 2014 Legislative session, SB Bill No. SB 803 AN ACT CONCERNING AQUACULTURE JOB GROWTH (2013) and Substitute Bill No. 5085, AN ACT CONCERNING SHELLFISH GROUND LEASES BY THE DEPARTMENT OF AGRICULTURE (2014) were put forth by the Department of Agriculture. Both bills in both years were controversial and were soundly rejected by the General Assembly for good reason. The lease language proposed was overreaching, overly punitive, contrary to statute and commercially unacceptable. Post session the Department rewrote the lease, including the language rejected by the legislature. This new lease forced me to sue the State winding up in a settlement that made the lease less unacceptable; however, the lease still provides many instances where a man can lose his livelihood over minor indiscretions.

If the Commissioner is granted the power he is asking for, it will complete the Department's ability to sit as accuser, judge, jury and executioner and claim that the lease document and this bill gives them the power to do so.

The alternative could be based on the ALJ process. Administrative hearings need to be in a fair and impartial setting overseen by someone with legal and practical experience and a background in conflict resolution. Like an arbitration process, the process must avoid a situation where a citizen can be out maneuvered and outspent by the free legal team provided by the Attorney General's office. My experience is that the Attorney General must act at the will of its client, the Department, whether or not the Department's position is prejudiced or unjustifiable. This creates a

government that subjugates its people. Connecticut should want better for its citizens.

I ask that you vote No on this bill.

Respectfully submitted,

Joseph Gilbert